

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN WILLIAM MOORE,

Plaintiff,

v.

VICTOR PONTIAS, et al.,

Defendants.

:
: **Case No. 2:21-cv-046**
:
: **CHIEF JUDGE ALGENON L. MARBLEY**
:
: **Magistrate Judge Elizabeth P. Deavers**
:
:
:

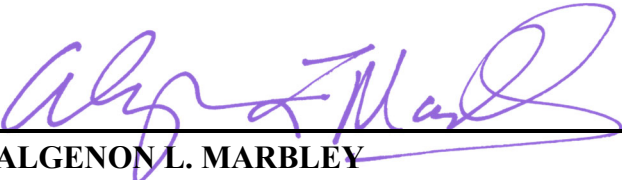
OPINION & ORDER

This matter is before the Court on Magistrate Judge Deavers' Report and Recommendation (EFC No. 4), which responds to Plaintiff John William Moore's January 7, 2021 Motion for Leave to Proceed in Forma Pauperis (ECF No. 1). Because Mr. Moore's filing failed to comply with 28 U.S.C. § 1915, the Clerk's office issued a Deficiency Notice to Mr. Moore on January 11, 2021, directing him to cure the deficiency within 30 days. (ECF No. 2). When Mr. Moore did not, Magistrate Deavers issued an Order and Deficiency Notice on February 23, 2021, directing Mr. Moore to file a Motion and to provide a copy of his prison trust fund account statement. (ECF No. 3). Magistrate Deavers cautioned Mr. Moore that failing to do so would result in dismissal of this action for failure to prosecute. (*Id.*). Mr. Moore did not respond. Magistrate Deavers now recommends that Mr. Moore be assessed the full filing fee of \$402.00 and that this action be dismissed without prejudice.

The Report and Recommendation was filed on April 5, 2021 and advised the parties that they had fourteen days thereafter to raise any objections. The Report and Recommendation also notified the parties that a failure to object within the applicable time period would result in a waiver of the right to have the district judge review the Report and Recommendation de novo.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections expired, this Court **ADOPTS** the Magistrate Judge's Report and Recommendation [#4] as this Court's findings of facts and law. The Court **ORDERS** Mr. Moore to pay the full filing fee of \$402.00. This case is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: July 6, 2021